

The Honorable Henry A. Waxman  
Ranking Member  
Committee on Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Waxman:

Thank you for your May 2, 2013, letter to President Obama regarding the Federal response to the tragic explosion in West, Texas, and the steps that can be taken to reduce the risks of chemical plants and other facilities holding large stores of industrial chemicals. The Administration is deeply saddened by the tragic events in West and is committed to taking steps regarding the safety and security of facilities with chemical holdings.

The Administration believes a whole-of-government approach is necessary to ensuring the safety and security of facilities with chemical holdings. Since the explosion in April, our Agencies and others have been working diligently to identify short-term, medium-term, and long term activities that can be undertaken to further reduce risk at our nation's chemical facilities. As a result, on August 1, 2013 the President issued an Executive Order to help improve chemical facility safety and security. The Executive Order directs aggressive action in five key areas:

- o Improving operational coordination with State, local, and tribal partners;
- o Enhancing Federal coordination;
- o Enhancing information collection and sharing;
- o Modernizing policies, regulations, and standards; and
- o Identifying best practices.

We feel confident that addressing these five areas in a collaborative manner with state, local, tribal, industry, and community partners will allow us to significantly improve the safety and security of chemical facilities throughout the nation while minimizing any additional burdens on owners and operators. These activities complement many of the individual efforts being taken by Federal departments and agencies, combined with state, tribal, and local regulators and emergency responders, and local communities in order to reduce the likelihood that similar incidents occur in the future.

As noted in your letter, the West Fertilizer Company was not in compliance with the Top-Screen submission requirements under the Chemical Facility Anti-Terrorism Standards (CFATS). Since the publication of those regulations, the Department of Homeland Security and other Federal agencies have undertaken significant outreach at the national, state, and local levels to inform potentially regulated entities of their requirements under the various chemical safety and security regulatory programs, including CFATS. Non-compliance by some in industry is not necessarily an indication of a flawed program—as with any large regulatory program, there inevitably will be non-compliant actors. It is essential that support for the CFATS program and

other regulatory programs continues and these programs have the necessary resources to conduct effective outreach on regulatory requirements and, in appropriate circumstances, take actions to enforce such requirements. One of the key provisions in the Executive Order is to explore how to enhance information sharing and coordination amongst stakeholders to reduce the likelihood of non-compliant actors across all Federal and state regulatory programs.

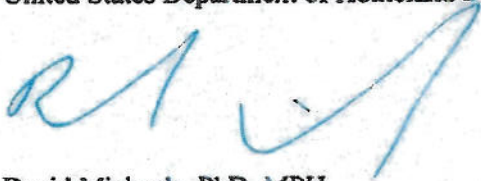
The explosion in West was a tragedy and the Administration is committed to working with industry and communities to prevent these types of disasters in the future. Thousands of facilities do comply with Federal and state regulatory programs and should be commended for their efforts to keep our Nation safe and secure. We believe that the implementation of the Executive Order will achieve many of the same objectives that you have suggested in your letter and we will keep you informed of our progress. We look forward to continuing to work with you to enhance chemical security and safety in the United States.

An identical response will be sent to Ranking Member Bennie Thompson. Should you need additional assistance, please have your staff contact the DHS Office of Legislative Affairs at (703) 235-9449.

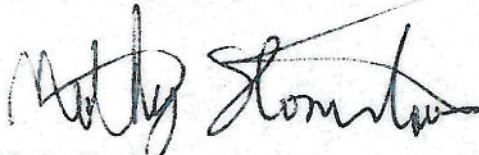
Sincerely yours,



Caitlin Durkovich  
Assistant Secretary for Infrastructure Protection  
United States Department of Homeland Security



David Michaels, PhD, MPH  
Assistant Secretary for Occupational Safety and Health  
United States Department of Labor



Mathy Stanislaus  
Assistant Administrator for the Office of Solid Waste and Emergency Response  
United States Environmental Protection Agency